

REMARKS

Status of the Claims

Claims 1-7, 9-14 and 16 are pending in this application, the independent claims being claims 1 and 10. By this Amendment, claims 8 and 15 are canceled. Claims 5, 6, 9, 13, 14 and 16 stand withdrawn from consideration in the present application.

Summary of the Official Action

In the Official Action, the prior restriction requirement was made final and claims 5, 6, 8, 9 and 13-16 were withdrawn from consideration. Claims 1-4, 7 and 10-12 were rejected under 35 U.S.C. 102(a), as anticipated by Japanese Patent Application Document No. 2000-312879 (Arioka).

Reconsideration and withdrawal of the restriction requirement (in part) and the rejection respectfully are requested in view of the above amendments and the following remarks.

Claim Amendments

Claims 8 and 15 are canceled herein without prejudice to or disclaimer of the subject matter recited therein. These claims were withdrawn from consideration pursuant to a restriction requirement, which is made final. Applicant reserves all rights to the subject matter recited in claims 8 and 15, including the right to file one or more divisional applications directed to the subject matter.

Removal of Arioka JP '879 Reference as Prior Art

The rejection of claims 1-4, 7 and 10-12 under 35 U.S.C. §102(a), as anticipated by JPO 2000-312879 (Arioka) respectfully is traversed, because the Arioka JP '879 reference does not constitute prior art. The present application claims priority from JP 2000-309332 filed October 10, 2000. An English translation of the JP 2000-309332 application is attached hereto to perfect Applicant's claim for priority. The Arioka JP '879 reference published July

6, 2001 (JP Publication No. 2001-184648). Thus, the Arioka JP 2000-312879 reference does not constitute prior art.

For the above reasons, Applicant submits claims 1-4, 7 and 10-12 are allowable over the prior art of record.

Reconsideration and withdrawal of the rejection of claims 1-4, 7 and 10-12 under 35 U.S.C. §102(e) respectfully are requested.

Request for Withdrawal of Restriction Requirement (In Part)

Applicant acknowledges the final restriction requirement and respectfully requests that the restriction requirement be modified/withdrawn in part. Claims 5, 6, 9, 13, 14 and 16 stand withdrawn from consideration; Claims 5, 6, 9, 13 and 14 depend from claims 1 and 10, respectively, and are believed allowable for the same reasons, and for reciting additional features in combination with the features of their respective base claims. Reconsideration and withdrawal of the restriction requirement and further consideration of these dependent claims respectfully are requested on this basis.

Entry of Amendment Under 37 C.F.R. 1.116

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because e.g. they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Conclusion

Applicant believes the present Amendment is responsive to each of the points raised by the Examiner in the Official Action, and submits that the application is in condition for allowance. Favorable consideration of the claims and passage to issue of the application at the Examiner's earliest convenience earnestly are solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:CPW/eks

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